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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/445,640	05/08/00	WARD	D-42978-01

MARK B QUATT
CRYOVAC INC
PO BOX 464
DUNCAN SC 29334

QM22/0618

KIM, E EXAMINER

ART UNIT 3721	PAPER NUMBER
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DATE MAILED: 06/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/445,640	Applicant(s) WARD ET AL.	
	Examiner Eugene Kim	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 20) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 14-20, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenker et al (#4,516,385) in view of Ginestra et al (#5,655,356). Lenker shows a method and apparatus for sealing an object using a heat sealable web and sealing the film. The object is sensed to activate the sealing assembly and feeding web means. Lenker et al do not show the concept of using different supply webs to accommodate different sized articles. Ginestra et al teach the concept of using a plurality of different film supplies preferably with different widths or textures (col 4 lines 20+). Ginestra et al teach the concept of measuring a product and selecting the appropriate web supply based on the products size. Ginestra et al discloses cutting the sheet of web material and a processor cuts the sheet from a selected roll based on a computed width and length. This is selecting a film length. The actual input means are inherently set up in the control system to select a web or desired lengths based upon the user's input. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Lenker et al with plural web and control means as taught by Ginestra et al to expedite the manufacturing process and to accommodate different sized products. It is

Art Unit: 3721

well known in the art to use heat shrinkable film. Furthermore, Lenker et al disclose heat sealable film.

2. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenker in view of Ginestra et al as applied to claims above, and further in view of Crowley (#5,328,438). Lenker et al in view of Ginestra et al do not show printing means as claimed. Crowley teaches the basic concept of using a printer for printing onto flat film with the printing device moving the web. It would have been obvious to one of ordinary skill in the art at the time of the invention to further provide Lenker in view of Ginestra et al with printing means as taught by Crowley to provide information on the film web.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Kim whose telephone number is (703)308-1886. The examiner can normally be reached on Tuesday-Friday 7:30 a.m - 6:00 p.m.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

A handwritten signature in cursive script, appearing to read "Eugene Kim", with a stylized flourish at the end.

Eugene Kim
June 13, 2001